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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/716,687

11/19/2003

Charles Jeff Morgan

20501/553

6600

32847 7590 01/11/2008

THE OLLILA LAW GROUP LLC

2060 BROADWAY

SUITE 300

BOULDER, CO 80302

EXAMINER

CHARLES, MARCUS

ART UNIT

PAPER NUMBER

3682

MAIL DATE

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The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/716,687  
Filing Date: November 19, 2003  
Appellant(s): MORGAN, CHARLES JEFF

**MAILED**

**JAN 11 2008**

**GROUP 3600**

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Gregg Jansen  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the supplemental appeal brief filed 10-16-2007 appealing from the Office action mailed 02-05-2007.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct. Applicant indicated that there pending amendments attempting delete the reference numerals from the claim. The examiner is note aware that such amendment exists. A careful search was performed to identify any related amendment but no such amendment was found.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

5,318,479

Lawroski

06-1994

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

The groove of Lawroski clearly discloses a belt groove, which includes an angled portion on either side of the groove irrespective of the shape of the groove, there must exist a first and second side which are joined by a middle portion. Applicant asserted that the groove is circular. However, Lawroski fails to disclose the shape of the belt groove and one can see that in fig. 1A, the groove has two-angled portions which are joined by a middle portion (see area of the arrow of X). Therefore, the belt groove is designed to interact with a first and second angled portion.

**(10) Response to Argument**

Appellant argues that the prior art fails to anticipate each element of the claim, in that Lawroski fails to disclose the shaft having a normal belt position. In response, the claims are to a subcombination apparatus, only drawn to a shaft not a belt plus shaft. (2. In appellant's shaft the normal belt position is merely a straight section (see marked-up fig. 1 below). Lawroski also discloses a shaft (38) having a straight section similar to that of appellant's (see marked-up fig. 1A below). Therefore, this meets the apparatus limitation since the structures are identical.

In addition, appellant argues that Lawroski's groove is not angled because it is curved. However, a curved groove is made up of an infinite number of angles. Applicant doesn't state a specific type of angle (i.e. sharpe or curve). Therefore, Lawroski's curved grooved meets this limitation (see marked-up fig. 1A below).

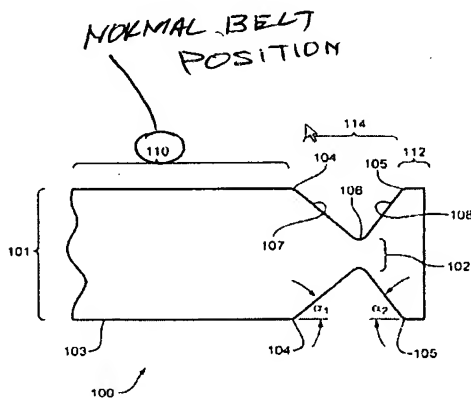
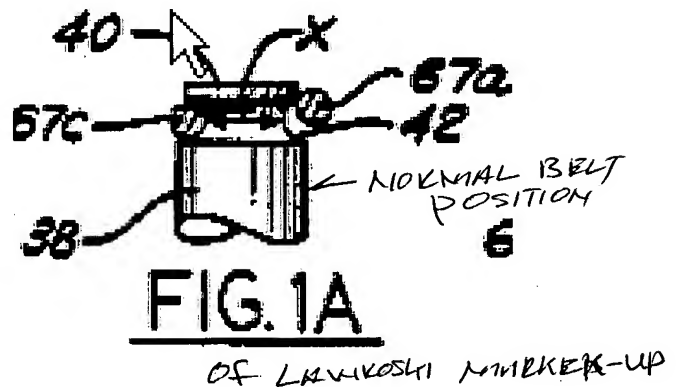


FIG. 1  
OF INVENTOR'S  
MARK-UP



#### (11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

*Charles*  
**MARCUS CHARLES**  
**PRIMARY EXAMINER**

Conferees:

Richard Ridley

Meredith Petravick